

REMARKS/ARGUMENTS

In the final Office Action dated August 9, 2006, Claims 1-7 and 9-13 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,600,930 to Sakurai et al. ("Sakurai"). Claim 8 was rejected under 35 U.S.C. § 103(a) as being obvious over Sakurai in view of U.S. Patent No. 6,519,475 to Kim ("Kim"). Applicants have amended Claim 1 to incorporate the recitations of dependent Claim 13 and, therefore, have cancelled dependent Claim 13. Since the amendment of Claim 1 merely incorporates the recitations of previously presented dependent Claim 13, the amendment should be entered and considered at this juncture. As explained below, Applicants respectfully submit that all of the pending claims are patentably distinct from the cited references, viewed either alone or in combination. As such, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

I. Summary of the Claimed Invention

Claim 1 recites a portable radio communications device comprising: a body; a cover having a closed position for at least partially covering the body and an open position; a display; and keys accessible when the cover is in the closed position, one of the keys being multifunctional and in a position remote from the other keys. The multifunctional key is located on the cover and is arranged to be active when the cover is in the closed position and inactive when the cover is in the open position. Claim 1 further recites that the function of the multifunctional key is dependent upon the state of the device, and that, for at least one state of the device, operation of the key controls the provision of information on the display. Thus, Claim 1 is directed to a device having a remote key configured to be active and multifunctional when the cover is in the closed position and inactive when the cover is in the open position.

For example, page 16, lines 12-23, describes one embodiment of the invention where the remotely positioned key 36 (remotely positioned to provide easy access) has multiple functionality when the phone is in the closed configuration and no function (i.e., is disabled) when the cover is in the opened configuration. As further described (and as claimed in Claim 1), the function of the key is dependent upon the state of the device. In general, embodiments of the

device may be configured so that the function of the multifunctional key is the most commonly desired function for a given state of the device. For example, in one embodiment of the invention: if there is an incoming call, activation of the key mutes the ringing; if a call has just been missed, activation of the key provides the caller's details on the display; if the phone is in the idle state, activation of the key redials the last dialed number; etc. Several of the dependent claims are directed to such embodiments.

II. Summary of the Sakurai Patent

The Sakurai patent discloses a terminal **1** that has a body **100** and a cover **101**. The cover **101** is movable between a closed position, as illustrated in FIG. 4A, and an open position, as illustrated in FIG. 4B. A group of ten keys **102**, a talk key (not shown), and a disconnection key (not shown) are provided on the outside of the cover **101** and can be used when the terminal **1** is closed and in a PHS telephone mode. A jogging dial key **109** is located on the body **100** of the terminal **1**. The jogging dial key **109** can be turned in order to navigate a menu on the display and can be pushed in order to select an item in the menu. The jogging dial key **109** can be used when the cover **101** is in the open configuration.

III. The Rejection of Claims 1-12 Should Be Withdrawn

The Office Action cites various sections and figures of the Sakurai patent as generally anticipating independent Claim 1 (and prior dependent Claim 13, which is now incorporated into amended Claim 1). However, the Office Action fails to identify which feature of the Sakurai device specifically anticipates the multifunctional key of the claimed invention. Claim 1 recites keys accessible when the cover is in the closed position, one of these keys being multifunctional and in a position remote from other of said keys. The Office Action cites the group of ten keys **102** on the cover **101** of the Sakurai device (see FIG. 4A) as anticipating the keys of claim 1 that are accessible when the cover is in the closed position. However, there is no key of the ten keys **102** that is located in a position remote from other of the keys **102**. In contrast, the keys **102** are all grouped closely together in a traditional numeric keypad configuration. Furthermore, the Sakurai patent does not describe that any of the keys **102** are multifunctional, as also recited by independent Claim 1. Still further, the Sakurai patent does not describe that any of the keys **102**

are inactive when the cover **101** is in the open position, as also recited by Claim 1. In fact, the Sakurai patent does not describe what happens to the keys **102** when the cover is in the open position. For all these reasons, none of the keys **102** of the Sakurai device anticipate the multifunctional key recited by independent Claim 1.

The talk key and the disconnection key, neither of which is illustrated in the FIGS. 4 A and 4B of the Sakurai patent, also do not anticipate the multifunctional key of Claim 1. With regard to the talk key, the Sakurai patent describes that the talk key is located on the side of the body **100** and is used to answer an incoming call when the cover **101** is in the open position. *See* col. 19, lines 24-26. As such, the talk key cannot anticipate the multifunctional key of Claim 1 since Claim 1 recites that the multifunctional key is arranged to be inactive when the cover is in the open position, while Sakurai describes that the talk key is active when the cover is in the open position. Furthermore, Sakurai does not describe that the talk key has any function other than answering an incoming call. Thus, the talk key does not anticipate the multifunctional key of Claim 1 since the talk key is not multifunctional. The disconnection key of Sakurai also does not anticipate the multifunctional key of Claim 1, since Sakurai does not describe the disconnection key as being multifunctional or as being active when the cover is in the closed position and inactive when the cover is in the open position, as recited by Claim 1. In fact, Sakurai only mentions the disconnection key by name and never describes any specific function of the disconnection key, much less describe the disconnection key as being multifunctional.

Finally, the jogging dial key **109** does not anticipate the multifunctional key of Claim 1 since the jogging dial key **109** is not located on the cover and is not arranged to be active when the cover is in the closed position and inactive when the cover is in the open position, as required of the multifunctional key of Claim 1. In contrast, the jogging dial key **109** is located on the body **100** of the terminal **1** and the jogging dial key **109** is active when the cover **101** is in the open position (when the terminal **1** is in the "data communication mode"). *See* col. 17, lines 23-33; and col. 19, lines 44-55. Therefore, the jogging dial key **109** does not anticipate the multifunctional key recited by independent Claim 1.

In sum, the Sakurai patent does not describe keys accessible when the cover is in the closed position, one of the keys being: (1) multifunction, (2) located on the cover, (3) in a

position remote from other of the keys, and (4) arranged to be active when the cover is in the closed position and inactive when the cover is in the open position, as recited by independent Claim 1. The Kim patent is not cited as teaching, nor does it teach or suggest, the deficiencies in the Sakurai reference described above in relation to independent Claim 1. Therefore, Applicant submits that, not only does Sakurai not teach or suggest the claimed invention, but no combination of the cited references teaches or suggests the claimed invention. As such, the rejections of Claims 1-12 have been traversed and Claims 1-12 are in condition for immediate allowance.

Furthermore, Claim 1 additionally recites that the function of the multifunctional key is dependent upon the state of the device. In this regard, dependent Claims 2, 4, 5, 7, and 8 recite various functions dependent upon various states of the device. As with independent Claim 1, the Office Action only generally cites various sections of the Sakurai patent and fails to identify where Sakurai describes a multifunctional key of Claim 1 further configured to operate in the specific ways recited by Claims 2, 4, 5, 7, and 8. Therefore, the rejections of dependent Claims 2, 4, 5, 7, and 8 should be withdrawn for this additional reason.

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IV. Conclusion

In view of the remarks and amendments presented above, it is respectfully submitted that the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is requested to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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